

Santa Fe, New Mexico  
Hazardous Materials Management Program  
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General Ordinance  
Draft

ORDINANCE ESTABLISHING SECTION 10-5  
OF THE SANTA FE CITY CODE OF 1987

HAZARDOUS MATERIALS MANAGEMENT PROGRAM{

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Exhibit A: Documents containing lists of hazardous materials.

Exhibit B: Hazardous materials inventory form.

Exhibit C: Hazardous materials permit form.

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CITY OF SANTA FE, NEW MEXICO'

BILL NO. 1991 - \_\_\_\_\_

INTRODUCED BY:

AN ORDINANCE

RELATING TO THE CREATION OF A PROGRAM TO MANAGE HAZARDOUS  
MATERIALS AND REDUCE ENVIRONMENTAL HAZARDS IN SANTA FE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 10-5 SFCC 1987 is ordained to read:

[NEW MATERIAL.] Hazardous materials management program

10-5.1 Purpose and intent. The purpose of this Section is the protection of health, life, resources and property through development of information on hazardous materials and through effective management of such materials to prevent their release to the environment.

10-5.2 Definitions. As used in the Hazardous

Materials Management Ordinance:

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CAS number means the unique identification number assigned by the Chemical Abstracts  
Service to specific chemical substances.

Chemical name means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

Common Name means any designation or identification, such as a code name, code number, trade name, or brand name, used to identify a substance other than by its chemical name.

Emergency Rescue Personnel means any public employee, including, but not limited to, any firefighter, police officer or paramedic who responds to any condition caused, in whole or in

part, by a hazardous material that jeopardizes; or could jeopardize, public health or safety or the environment.

Environmental Officer means the person with responsibility and authority for implementing the environmental review ordinances as designated by 14~77A.S, which person is assigned responsibility for implementing this ordinance; or any person designated by the Environmental Officer as being responsible for implementation of any specific provision of this ordinance.

Extremely hazardous material means any extremely hazardous material which is subject to regulation pursuant to Section 10-5.3 of this Section.

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Facility means an area, a building or buildings, appurtenant structures or surrounding land area used by a single business entity at a single location or site. A facility shall include equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, incinerator, storage container, or any site or area where hazardous materials, or extremely hazardous materials have been deposited, stored, disposed of, placed, or otherwise located.

Fire Chief means the Chief of the City Fire Department, or any person designated by the Fire Chief as being responsible for implementation of any specific provision of this ordinance.

Handle means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of a hazardous material in any fashion. Handle includes the transportation of a hazardous material if the material remains within~ the City limits for a period exceeding 2 hours. Handle also includes any storage or use of a hazardous material by a public utility within a utility right-of~way.

Handler means any person, firm or corporation which handles a hazardous material.

Hazardous material means any hazardous material which is subject to regulation pursuant to Section 10~5.3. A mixture shall be deemed to be a hazardous material if it is either a waste and contains any material regulated pursuant to Section 10-5.3, or is a nonwaste and contains

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one percent by volume or more of any material regulated pursuant to Section.10-5.3.

Hazardous Materials Inventory means an annual report to be filed by all businesses in accordance with Section 105.4.

Mass balance means an accounting by weight of a given hazardous material such that the total weight of material purchased for and/or produced on the site is balanced by the total weight of material sold, emitted to the air, soil or water, discharged to the sewer system or landfill, or otherwise disposed of. Each estimate of weight used in a mass balance must be supported by a specific rationale and/or calculation.

MSDS means a Material Safety Data Sheet prepared pursuant to the regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

Permit means any Hazardous Materials Permit issued pursuant to this Section, as well as any additional approvals thereto.

Permittee means any person, firm, or corporation to whom a Permit is issued pursuant to this Section, and any authorized representative, agent or designee of such person, firm, or corporation.

Primary containment means the portion of a container or storage device which comes into immediate contact on its inner surface with a hazardous material.

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Recycle means to use, reuse, or reclaim a material. Recycling via use and/or reuse involves the return of a waste material either to the originating process as a substitute for an input material, or to another process as an input material. Recycling via reclamation is the recovery of a usable material from a waste. Reclamation techniques differ from use and reuse techniques in that the recovered material is not used in the facility, but it is sold to another user.

Secondary containment means containment external to and separate from primary containment.

SIC Code means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

Storage means the placement of materials within any part of a facility for a period exceeding 30 days.

Store means the act of storage.

Threatened Release means a condition creating a substantial probability of harm to public health, property or the environment, when the probability and potential extent of harm make it necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

Unauthorized discharge means any release of any hazardous material to the air, soil, surface water or ground water which does not conform to the provisions of this Section,

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PAGE 6 HAZARDOUS MATERIALS MANAGEMENT PROGRAM . SECTION 10-5 including leaks and spills of such material, unless such release has been authorized by the State of New Mexico Environment Department or the U.S. Environmental Protection Agency and the City has been notified in advance of the release.

Use means the handling, processing or storage of a hazardous material.

Waste means material which is to be disposed of to the air, water, soil, sewer system, landfill or by other means, rather than used on-site, sold, or recycled.

10-5.3 Materials regulated. The materials regulated by this Section shall consist of those chemicals cited in those documents listed in Exhibit A of this ordinance, as they now exist and may be amended by the federal government. The City Council may add chemicals to or delete chemicals from the list of regulated chemicals after public hearing.

A. The Environmental Officer shall be responsible for acquiring the most recent versions of those documents listed in Exhibit A, or documents equivalent thereto, from the New Mexico Department of Public Safety, the New Mexico Environment Department, and any other cognizant agency. Copies of said documents shall be kept in the office of the Environmental Officer and available for public review.

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B. This ordinance shall not apply to hazardous materials contained solely in consumer products packaged for distribution to, and use by, the general public; nor shall it apply to commercial products used at a facility solely for janitorial or maintenance purposes; nor shall it apply to commercial office supplies in a business which does not engage in commercial printing or reproduction; nor shall it apply to materials contained within food, drugs or cosmetics; nor

shall it apply to materials present as a solid inside of a manufactured item.

10-5.4 Hazardous Materials Inventory. Any person, firm or corporation which stores or handles any hazardous material at any facility located in Santa Fe must file a Hazardous Materials Inventory which lists each hazardous material so stored or handled.

A. The inventory shall identify for each hazardous material its chemical or common name, CAS and UN numbers (if known), any other identification number that is known (with an identification of the classification system which generated the number), physical state and whether water reactive, indicating the maximum quantity handled or stored at any one time during the course of the year. The inventory shall include identification of all hazardous chemicals located in facilities

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along utility rights of way. Any applicable material safety data sheets (MSDS) shall be identified on the form. Information on adjoining land uses and the proximity to public supply wells shall be provided.

B. The inventory shall be completed using a standard form provided by the City, as set forth in Exhibit B to this ordinance. The Environmental Officer may amend Exhibit B to improve its form or clarity, provided that any changes are subject to review by the Fire Chief. Substantive changes, such as changes which require additional information or delete information requirements, shall require approval by the City Council.

C. The inventory shall be filed annually with the City Clerk as part of the business registration, in accordance with the procedures set forth in Section 105.12(A), and no business registration will be issued if the inventory form is not filed or if the form does not clearly indicate the name and address of the business or if it is not signed. Administrative procedures for processing the inventory shall be as set forth in Section 105.12. Any public utility holding a franchise granted by the City of Santa Fe, and not subject to a business

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registration requirement, shall submit its inventory on or  
before June 30 of each year.

D. An amended inventory shall be filed with the Environmental Officer within 30 days of  
any of the following:

1.  
the storage or handling of any hazardous material not listed on the previously filed  
inventory, but required to be listed by Section  
10-5.3;
2.  
any increase of one hundred percent or more in the quantity of a previously disclosed material;
- 3 an increase in storage or handling which brings the aggregate amount of a material above the  
threshold limits listed in accordance with Section 10-5.5;
4. any change in the business ownership, name, address or emergency phone numbers.

E. The Hazardous Materials Inventory shall be a public document, and shall be available for  
public inspection

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during regular working hours, subject to such provisions for confidentiality as shall be  
negotiated between the City and the applicant to protect proprietary or trade secret information.

10-5.5 Hazardous Materials Permit. A Permit is required for any person, firm or  
corporation  
which stores or handles any hazardous material at any facility located in Santa Fe if the aggregate  
quantity of material stored at the facility at any one time during the year equals or is greater than  
any of the threshold limits described below.

I. For materials classified by the documents cited in Exhibit A as extremely hazardous: 1

pound,  
regardless of whether they are in solid, liquid or gaseous form.

ii. For materials identified in the documents cited in Exhibit A, other than those classified as extremely hazardous: five hundred pounds in weight for solids; fifty-five gallons for liquids; two hundred cubic feet (at standard temperature and pressure) for compressed gases.

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A. Based upon the Hazardous Materials Inventory, the Environmental Officer shall prepare a list of facilities which require a Permit in accordance with this Section. The list shall be prioritized in consultation with the Fire Chief, so that facilities which pose the greatest potential hazard to public health are the first to be subject to the permitting requirements.

1. The highest priority facilities shall be those with extremely hazardous materials present and shall be ranked in order of the immediate danger to public health and, where that is equivalent, in order of the quantity of such material present, with the largest quantities given the highest priority

2. Once permits have been issued for facilities with extremely hazardous materials present, then the highest priority will be assigned to facilities with hazardous materials present in a form which is or can become a gas, with the largest quantities given the highest priority.

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3. All other facilities will then be assigned priorities based on the quantity of material present, with the largest quantities given the highest priority.

B. The Environmental Officer shall notify in writing businesses which are required to obtain a Permit; and for Permit renewal shall notify businesses 120 days in advance of the expiration of their Permit. The documents necessary to support issuance of a Permit shall be filed by the business within 90 days of such notification. Administrative procedures for processing the Permit shall be as set forth in Section

10-5.12.

C. Documentation necessary for Permit approval shall consist of the following:



1. Emergency Preparedness Plan, as set forth in Section 10-5.6.
2. Waste Monitoring Plan, as set forth in Section 10-5.7.
3. Demonstration of compliance with applicable performance standards set forth in Section 10-4, where the applicability of standards is determined through Exhibit A to Section 14-77A and the compliance is determined through procedures set forth in Section 10-4;

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4. Demonstration of secondary containment, as required and detailed in Section 14-77D.7, if the use or facility is located in a W-1 District unless the only hazardous material handled and stored at the site is a gas at standard temperature and pressure;

Completion of a City Inspection, as set forth in Section 10.5-9; and

6. After January 1, 1996, permits will be issued only if a business also has submitted a Hazardous Materials Management Plan, as set forth in Section 10-5.8

D. The submittals will be reviewed by the Environmental Officer for completeness, and accepted if the material contained therein is complete and demonstrates that a business has made a good faith effort to meet the requirements

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of this Section; such acceptance shall not require the City to make a determination as to the extent to which the submittals demonstrate protection of public health and property. The Officer at his/her discretion may request additional information as necessary to complete the submittals.

E. Any business required to file documents relating to hazardous materials with any Federal or State agency, may utilize those documents as part of the Permit submittal if they include substantially the same information as is required for the Hazardous Materials Permit, provided that the documents are attached to the appropriate plan and the plan itself incorporates the material by reference in a clear and specific manner..

F. The Permit shall be valid for a period not to exceed three years, and it shall consist of a statement that the facility is authorized to store and/or handle hazardous materials in the quantities set forth in the Hazardous Materials Inventory, provided that all provisions of this Section are adhered to. All documents submitted for Permit approval shall be attached to and become part of the Permit. During the period the Permit is in effect, records required by the Permit must be kept at the site of the facility and made available to the City upon request.

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G. A Permit amendment shall be filed with the Environmental Officer within 30 days of any of the following:

1. an amendment to the Hazardous Material

Inventory;

2.Completion of a City Inspection, as set forth in Section 10.5-9; and

3..any substantive change to the information provided in the Emergency Response Plan in response to the requirements of Section 10-5.6, paragraphs A, B or C;

4. any change which would place the business out of compliance with the performance standards set forth in Section 10-4 or Section 14-77D.7, or which would otherwise increase the environmental risks and impacts at the site.

H. To renew a Permit the applicant shall update all documentation required for Permit approval, and comply with any new requirements adopted after the initial Permit was issued. The application for the' renewal of a Permit shall be made at least ninety days prior to the expiration date of such Permit.

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I. The Hazardous Materials Permit shall be a public document, and shall be available for public inspection during regular working hours, subject to such provisions for confidentiality as

shall be negotiated between the City and the applicant to protect proprietary or trade secret information. In addition, due to the potential threat to public health and safety from vandalism, information on the specific location of hazardous materials on a site shall not be made public. Therefore the City shall take all reasonable precautions to maintain the confidentiality of the facility map provided as part of the Emergency Preparedness Plan.

J. The Hazardous Materials Permit shall be issued using the form in Exhibit C to this Section. The Environmental Officer may amend Exhibit C to improve its form or clarity.

10-5.6 Emergency Preparedness Plan. An Emergency Preparedness Plan is a standalone document which describes in detail how a business will respond to any release or threatened release of hazardous materials to the ambient air, soil or water. Emergency preparedness documents which have been accepted by federal and/or state agencies may be incorporated by reference into the Emergency Preparedness Plan, if they are

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responsive to the requirements of this Section and are physically included with the plan.

A. The Plan shall contain the name and address of the facility; business phone number; the name, titles and emergency phone numbers of the primary response person and an alternate; hours of operation; principle business activity; and, if known, the SIC code.

B. The Plan shall contain a copy of the plat for the business property at a legible scale and showing the following:

1. the location of all buildings and structures as they relate to hazardous materials, including points of actual or potential loading, storage, use and disposal;

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the specific location of any water reactive chemicals;

3.the location of all equipment used for monitoring and/or responding to releases of hazardous materials;

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4. uses and structures on all adjoining properties;

5.

any information which indicates the pathway which might be taken by a potential release, including but not limited to information on the location of sewer manholes or wells, the direction of surface drainage, and the predominant local wind direction.

C. The Plan shall describe emergency equipment availability, testing, and maintenance.

D. The Plan must identify who is responsible for monitoring releases and threatened releases; what steps are taken to monitor such releases and threatened releases; and the procedures to be followed to immediately report a release or threatened release to the City Fire Department and any other entity required by law.

E. The Plan must set forth procedures to control, mitigate and/or F. The Plan shall contain evacuation plans and procedures for the business site, including immediate audible notice and warning to all persons on the site and the immediately adjoining properties.

C. Training in the procedures described above must be provided by or through the business to all employees who deal with hazardous materials, and shall be described in the Plan. The training must ensure that employees are familiar with the recommended handling and safety procedures for the materials. Any written data on these procedures, including but not limited to safety information provided by a manufacturer or distributor of a hazardous material, shall be clearly posted in all areas where the materials are used or stored.

10-5.7 Waste Monitoring Plan. A Waste Monitoring Plan is a standalone document which describes in detail how a business will monitor its disposal of hazardous materials,

A. The Plan shall document the fate of all hazardous materials brought on to a site, or produced on the site, through a detailed mass balance. The mass balance shall be performed using methods consistent with methods recommended by the U.S. Environmental Protection Agency for reporting under

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Section 313 of the Emergency Planning and Community Right-to-know Act of 1986.

B. If the mass balance indicates the possibility that a hazardous material may be disposed of to the City sewer system or to any incinerator or landfill located in Santa Fe County, the person~ firm or corporation which is responsible for such disposal shall take appropriate action to assure proper disposal and shall include in the Waste Monitoring Plan a specific schedule for performing tests of airborne emissions, wastewater discharges and solid materials to determine the presence by weight of each hazardous material reported by the Hazardous Materials Inventory.

C. If the mass balance indicates the possibility that a hazardous material may be disposed of at City-owned facilities, the Environmental Officer shall convey a copy of the mass balance to the person or persons responsible for managing those facilities.

D. The Environmental Officer shall review the proposed Waste Monitoring Plan with City Departments responsible for operating the sewer system and landfill. The Plan shall provide monitoring and analytical methods sufficient

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to detect hazardous materials, and frequency of measurements sufficient that the average and maximum concentration of hazardous materials will be reasonably determined. No Waste Monitoring Plan will be accepted if it concerns wastes identified in Section 22-7.4 SFCC 1987, unless it complies fully with the monitoring requirements of Section 22-7.9 SFCC 1987.

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10-5.8 Hazardous Materials Management Plan. A

Hazardous Materials Management Plan (HMMP) is a standalone document in which a business must evaluate measures which could reduce the risks to the environment posed by its use and disposal of hazardous materials.

A. The HMMP shall contain the name and address of the facility; business phone number; the name and title of the person responsible for implementing the Plan; hours of operation; principle business activity; and, if known, the SIC code.

B. For each hazardous material which is stored or handled at the site, the Plan shall discuss reasonably available alternatives by which the business could:

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1. reduce its purchases of any such hazardous material, as by process change, substitution or reuse

2. provide for suitable storage and handling of such materials on-site so as to reduce the potential for releases or threatened releases of any hazardous material; including methods used to ensure separation and protection of stored, hazardous materials from factors which may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of the primary or secondary containment;

3. recycle materials designated for disposal;

4. treat waste prior to disposal to the City sewer system or to an incinerator or landfill located in Santa Fe County, or disposal in a location outside of Santa Fe County, so that such disposal conforms to and causes no violation of applicable Federal and/or State standards at the point of ultimate disposal.

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remediate any release or

threatened release in order to minimize any potential harm or damage to persons, property or the environment.

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C. The HMMP shall evaluate the benefits and problems associated with each alternative and shall identify those technically and economically feasible alternatives which pose the least

risk to the environment. This' evaluation shall include an estimate of the quantity of hazardous waste anticipated to be generated annually with and without the proposed waste reduction measures and a time table for making reasonable progress toward implementation of the selected reduction measures. The owner or operator of the facility shall choose the most feasible and least-risk alternative; while the selection shall be reviewed by the City, until such time as the City Council directs otherwise, the City shall not specify or otherwise require waste reduction measures

10~5.9 City inspection. An inspection shall be conducted by an official of the Fire Department prior to Permit approval or renewal. In addition, the City may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this Section and causing to be corrected any conditions which would constitute any violation of this Section or of any other statute, code, rule or regulation affecting the storage or handling of hazardous materials.

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City officials shall have the right of entry and may enter such structure or premises at all reasonable times to inspect the same; provided that if such structure or premises be occupied, the official shall first present proper credentials and request entry, and further provided, that if such structure or premises is unoccupied, the official shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If needed to obtain entry, the City shall have recourse to every remedy provided by law to secure entry, including a search warrant from a Court.

10-5.10 Reporting of releases. As soon as any person employed at a facility which is subject to a Permit has knowledge or suspicion of any unauthorized discharge of a hazardous material, such person shall take all necessary steps to provide prompt containment of the discharge and to inform the City Fire Department and any other entity required by law. Failure to take such steps shall subject the offender to enforcement actions as set forth in Section 10-5.14.

10-5.11 Annual report. The Environmental Officer shall prepare an annual report summarizing the effectiveness of the City hazardous materials management program and containing

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recommendations for continuing and improving the program. The report shall discuss any need to:

I) develop expertise among City staff, to enforce this ordinance and to provide technical assistance to businesses and others with the objective of reducing the presence of hazardous materials in the community;

ii) establish or improve a data management system to comply with the requirements of this Section

and to develop a data base on local use of hazardous materials from information developed through the program;

iii) establish or improve a data center for use by the City and local residents, to provide information on: hazardous materials and their effects; types of hazardous materials used by specific types of businesses; waste reduction measures; emergency preparedness and response procedures; the safe and proper handling of hazardous materials; available recycling programs; and other similar information;

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iv) establish or improve City sponsored programs to assist waste reduction efforts and the safe handling of hazardous waste, such as: training and other educational programs; establishment of a central collection and recycling center and information exchange; awards for achievement; and financial incentives;

v) develop coordination between different City offices dealing with environmental issues, and with the New Mexico Environment Department and emergency response organizations;

vi)  
study and designate routes which would be the only routes upon which transportation of hazardous materials through the City would be allowed;

vi) study and develop standards on how hazardous materials are packaged for shipment to and from businesses in the City.



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105.12 Administrative procedures.

A. The Hazardous Materials Inventory (HMI)

required by Section 10-5.4 shall be part of the annual Business Registration application due by March 15 of the year.

1. The City Clerk shall review the Inventory form to see that the form clearly indicates the name and address of the business and that the form is signed by the applicant. If it is not complete it shall be returned to the applicant within 5 days of submittal.

2. Once a completed, signed form has been provided to the City and checked by the City Clerk, the City may proceed to register the Business.

3. The City Clerk shall forward the HMI to the Environmental Officer within 5 days, for purposes of a review for completeness. Completeness shall be determined both as to whether all information required to be provided on the form is provided; and whether the identification of hazardous materials is

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consistent with the nature of the business which submitted the form. At its discretion, the City may inspect the property in order to evaluate the completeness of the inventory. If a properly completed HMI is not filed by the business within 180 days of the initial filing, the Environmental Officer shall so inform the City Clerk and the Clerk shall issue no further registrations to that business unless or until the HMI is deemed complete by the Environmental Officer, or until a schedule for submitting a complete HMI has been approved by the Environmental Officer.

4. When an HMI is determined by the Environmental Officer to be complete, he shall forward one copy of the HMI to the Fire Chief who shall send the HMI to the appropriate substation covering the location of the business, where it shall be recorded as set forth in Section

10-5.12(E).

B. The Environmental Officer shall review the H~I to determine whether, pursuant to Section 10-5.5, a Hazardous Materials Permit will be required.

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1. If a Permit is required, the Environmental Officer shall notify the business that a Permit is required and of the requirements for Permit approval and the schedule for submittal of all required documents.

2. The applicant shall submit the completed application to the Environmental Officer who shall collect the Permit fee, according to the rate schedule presented in Section 10-5.13(B).

3. Once a completed application for a Permit has been submitted to the City together with all applicable fees, the Environmental Officer shall review the application and arrange for a review and inspection by the Fire Department, and reviews as needed by other City Departments. The City shall have 90 days in which to complete its reviews and the inspection and reach a determination on the Permit. In the event that the determination is that there is insufficient basis upon which to issue a permit, the Environmental Officer shall so notify the business and shall establish a

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new schedule for submittal of all required documents

4. The Fire Chief shall conduct the inspections required for Permit approval. The official will

be responsible for checking that the storage/handling/monitoring of the hazardous materials is adequate and conforms with the requirements of this Section.

5. If the inspection confirms all information contained in the submittal documents, and identifies no conditions contrary to what is stated in those documents, the Fire Chief shall notify the Environmental Officer in writing that the Permit may be approved.

6. If the inspection fails to confirm all information contained in the submittal documents, or identifies conditions contrary to what is stated in those documents, the Fire Chief shall prepare a written report within 5 days identifying the deficiencies and what measures need to be taken by the applicant to

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correct the deficiencies. The applicant shall have 30 days to correct the deficiencies.

7. As needed, a second inspection will be conducted by the Fire Chief. Once the deficiencies have been corrected the Fire Chief shall notify the Environmental Officer in writing that the Permit may be approved.

8. The Environmental Officer shall review all materials submitted as part of the application, including the results of the review of the submitted materials and the inspection conducted by the Fire Chief, and where applicable, the reviews of other City Departments. If all requirements have been complied with, the Environmental Officer shall issue or cause to be issued the Hazardous Materials Permit for a period of three years.

9. If the documents are not timely filed, or if the Environmental Officer determines that they do not satisfy requirements set forth in the City Code, or that issuance of a permit would

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create a substantial probability of harm to public health, property or the environment, he/she may deny the permit. If the permit is denied, he/she shall so notify the applicant in writing setting forth the specific reasons for said denial.

10. Any use or facility which is denied a Permit shall have 30 days to cease its use and storage of hazardous materials. The owner and/or operator of said facility shall have full responsibility for assuring that transportation and/or disposal of all such materials is done in full accordance with all applicable federal, state and other laws.

C. Every application for the renewal of a Permit shall be made at least thirty days prior to the expiration date of such Permit. If a timely application for renewal has been submitted, the existing Permit shall remain in effect until the Environmental Officer has completed his/her review of the application.

D. A Permit decision may be appealed following the procedures set forth in Section 10-4.11(D) SFCC.

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E. The City shall maintain records of all Hazardous Materials Inventories and Hazardous Materials Permits received and shall index them by both company name and street address. The facility map shall be detached to maintain confidentiality and filed separately by street address.

F. The owner and/or operator of any business which uses or stores hazardous materials without complying with the provisions of this ordinance shall be subject to prosecution in accordance with Section 10-5.14.

10-5.13 Enforcement and Penalties.

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A. The Environmental Officer shall have primary

responsibility for enforcing the Hazardous Materials Management Program. The Fire Chief shall

be consulted on all policy decisions or revisions to this Section and shall have the authority to issue a citation for any violation of this Section revealed during an inspection by the Fire Department. Notice of the citation shall be provided to the Environmental Officer.

B. Any person may file a written complaint if they feel any provision of this Section has been violated. The complaint stating fully the causes and basis thereof, shall be filed with the Environmental Officer.

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C. If through review of an Hazardous Materials Inventory, or the processing of a permit application, or through an inspection, or as the result of an emergency, or through a complaint or other cause, or the Fire Chief believes a violation may have occurred, the Environmental Officer shall investigate the evidence of the alleged violation. If he/she believes any violation of this Section has occurred, the Officer shall notify, in writing, the owner of the business, indicating the nature of the violation and the action necessary to correct it.

1.

If the violation poses an immediate threat to the public health, welfare or property, the Environmental Officer shall order an immediate halt to the activity responsible for the threat. The Environmental Officer may apply to the appropriate court for an injunction to replace the order. Any person subject to an order issued against an immediate threat to public health and welfare shall comply with such order until the violation is corrected and the facility is shown to be in compliance with the order, as determined by the Environmental Order, or until a judicial order has superseded the environmental order.

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E

2.

For all violations other than set forth in subparagraph 1, above, the notice will provide the violator with 30 days, beginning from the time of receipt of the notice, to, at the option of the Environmental Officer: (i) abate the violation; or (ii) submit a plan to correct the violation which the Environmental Officer finds acceptable.

D. Any person found guilty of violating this ordinance shall be fined an amount not to exceed 500 dollars for each day of each offense; and if the person has previously been convicted of a violation of this ordinance, the person shall in addition be subject to imprisonment in the City jail for a period up to the maximum period specified for a misdemeanor.

E. Violations which are not corrected within 30 days or other period of time mutually agreed to between the City and the business shall be cause for enforcement as provided in Section 13 SFCC; or for issuance of a citation and prosecution in municipal court.

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F Any person convicted of violating any provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500). Each day such violation is committed or permitted to continue shall constitute a separate offense and be punishable as such. If a person has previously been convicted of a violation of this ordinance, the person shall in addition be subject to imprisonment in the City jail for a period up to the maximum period specified for a misdemeanor.

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Exhibit A to Section 10-5 SFCC 1987

Documents containing lists of hazardous materials

Hazardous materials For purposes of Section 10-5 SFCC 1987, hazardous materials are those chemicals subject to reporting under Title III, Sections 302, 304, and 313 of the Superfund Amendments and Reauthorization Act (SARA) of 1986; the Resource Recovery and Conservation Act (RCRA); and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). A document which contains a list of such chemicals is:

"Title III/CERCLA/RCRA consolidated list of chemicals", U.S. Environmental Protection Agency Region 6, Dallas, TX 75202, prepared by Stephen Mason of EPA in November, 1990.

In addition, hazardous materials are those chemicals which are subject to the reporting requirements in Sections 311 and 312 of SARA Title III, and for which the Occupational Safety and Health Administration requires a material safety data sheet (MSDS). If a business is required under OSHA to have an MSDS for a chemical, then that chemical is regulated under this ordinance.

Extremely~ hazardous substances. The document cited above lists both extremely hazardous substances and other hazardous materials. A standalone list of the extremely hazardous

substances is provided in 40 CFR Part 355, Appendices A and B, pp. 228-239 (7-1-89 edition).

**EXHIBIT A HAZARDOUS MATERIALS MANAGEMENT PROGRAM  
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